

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-36 were previously cancelled.

Claims 37 and 53 are currently being amended.

Claims 56-61 are being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Further, Applicant reserves the right to pursue the subject matter of the cancelled claims in a continuation or divisional application.

After amending the claims as set forth above, claims 37-61 are now pending in this application.

Independent claim 37 as amended herein now recites:

a fluid distribution module comprising: a plurality of ports connectable to the supply module, the cell module, and the processing module; a plurality of conduits for transferring fluid from one port to another port of the plurality of ports; and a plurality of valves, each valve of the plurality of valves associated with a respective port, adapted to the control module, and individually adapted to either the supply module, the cell module or the processing module, the operation of the valves being regulatable by the control module.

Independent claim 53 as amended herein also recites similar limitations. Support for these amendments and for new claims 54-61 can be found within the originally filed application, at least at page 10, lines 10-30. The present amendment does not add new matter.

Claims Rejections – 35 USC § 103

Claims 37-41, 44-49, and 51-54 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,544,727 to Hei (Hei), in view of U.S. Patent No. 5,428,993 to Kobashi (Kobashi). Applicants respectfully submit that this rejection is moot in view of the present amendment to the claims and for reasons set forth below.

Independent claims 37 and 53 as amended herein are not obvious over Hei in view of Kobashi because the combination of the references fails to teach or suggest all of the limitations recited in the claim. As amended, each of claims 37 and 53 adds the further limitation that a fluid distribution module that includes a plurality of ports connectable to the supply module, the cell module, and the processing module. The fluid distribution module also includes multiple conduits for transferring fluid from one port to another, and multiple valves, each associated with a respective port. The operation of the valves is regulatable by the control module. Thus, valves can be selectively opened and closed to achieve fluid communication between selected ones of the multiple ports.

Hei describes a system for processing blood products including multiple collection containers 508, 538, 528, 558 coupled to a centrifuge 520 through respective lines 509, 532, 522, 552. (FIG. 49 and related description at Col. 66, ll. 40-65). Hei describes using a respective pump 506, 536, 526, 556 to transfer fluid through each of the lines. (*Id.*). Hei fails to disclose, teach, or suggest a fluid distribution module, as claimed. To the extent the transfer lines and filter means are considered a fluid distribution module, they do not include a plurality of valves associated with a respective port. The Office Action relies upon Kobashi for providing a weight sensor or confirming the correct delivery of a chemical by measuring a change in weight. Kobashi fails to cure the defects of Hei. Therefore, even if the references are combination as suggested in the Office Action, the combination fails to disclose, teach, or suggest all of the claim limitations.

Thus, the Office Action has failed to establish *prima facie* obviousness against patentability of independent claims 37 and 53 over Hei in view of Kobashi, because the references when combined fail to describe, teach, or suggest all of the limitations of the claims as amended herein. Thus, amended claims 37 and 53 are not obvious in view of the combination of Hei and Kobashi.

Dependent claims 38-41, 44-49, and 51-52 depend directly or indirectly from amended base claim 37 and therefore include all of the limitations of amended claim 37. Accordingly, dependent claims 38-41, 44-49, and 51-52 are also not obvious in view of the combination of Hei and Kobashi for at least the same reasons as argued above with respect to claim 37. Likewise, dependent claim 54 depends directly from amended base claim 53 and therefore include all of the limitations of amended claim 53. Accordingly, dependent claim 54 is also not obvious in view of the combination of Hei and Kobashi for at least the same reasons as argued above with respect to claim 53.

Claims 42-43 and 50 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hei in view of Kobashi, as applied to claims 37-41, 44-49, and 51-54 above, and further in view of U.S. Patent No. 5,126,054 to Matkovich (Matkovich). Applicants respectfully submit that this rejection is moot in view of the present amendment to the claims and for reasons set forth below.

Matkovich is directed to venting means for venting gas from the transfer line of a liquid delivery system. (Abstract). The Office Action relies upon Matkovich for providing filtration of blood components into a receiving bag. Matkovich describes a reservoir 22 coupled to a container 24 through transfer lines 26 and a filter means 28. (FIG. 1, and related description at Col. 6, ll. 23-44). Matkovich does fails to disclose, teach, or suggest a fluid distribution module, as claimed. To the extent the transfer lines and filter means are considered a fluid distribution module, they do not include a plurality of valves associated with a respective port. Thus, Matkovich fails to cure the defect of the combination of Hei and Kobashi argued above with respect to base claim 37.

Dependent claims 42-43 and 50 depend directly or indirectly from amended base claim 37 and therefore include all of the limitations of claim 37. Accordingly, dependent claims 42-43 and 50 are also not obvious in view of the combination of Hei, Kobashi, and Matkovich for at least the same reasons as argued above with respect to claim 37.

Claim 55 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Hei in view of Kobashi as applied to claims 37-41, 44-49, and 51-54 above, and further in view of U.S. Patent No. 5,641,637 to Hudak (Hudak). Applicants respectfully submit that this rejection is moot in view of the present amendment to the claims and for reasons set forth below.

Hudak is directed to a method for preparing lyophilized and frozen cells as cytometry standards. (Abstract). The Office Action relies upon Hudak for disclosing a method for preparing cells, including rare genotype cells (e.g., AB genotype). Hudak fails to describe any particular system for preparing cells. Thus, Hudak fails to cure the defect of the combination of Hei and Kobashi argued above with respect to base claim 53.

Dependent claim 55 depends directly or indirectly from amended base claim 53 and therefore include all of the limitations of claim 53. Accordingly, dependent claim 55 is also not obvious in view of the combination of Hei, Kobashi, and Hudak for at least the same reasons as argued above with respect to claim 53.

Patentability of New Claims

Dependent claims 55-58 depend directly from independent claim 37 as amended herein and therefore include all of the limitations of amended claim 37. Accordingly, claims 55-58 are patentable over the art of record for at least the reasons set forth above with respect to claim 37.

Likewise, dependent claims 59-61 depend directly from independent claim 53 as amended herein and therefore include all of the limitations of amended claim 53. Accordingly, claims 59-61 are patentable over the art of record for at least the reasons set forth above with respect to claim 53.

Applicant believes that the present application is now in condition for allowance.
Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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